

The only issue to be addressed in this appeal is whether claimant's injury arose out of and in the course of his employment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the whole evidentiary record filed herein, the Board makes the following findings of fact and conclusions of law:

Claimant is employed as a shipping coordinator, a job which requires claimant to prepare invoices on a computer, separate the invoices, distributing each copy to the appropriate place and input the information into a computer. This job is performed mostly while sitting and is by claimant's own description, a desk job. While the record is clear that claimant did not use the keyboard 100 percent of the time, he would have to use the computer routinely, some days processing only 20-30 invoices, but other days, as many as 200.

In early January 2005, claimant began to notice numbness and tingling in his fingers and some pain in his wrists. These symptoms sometimes wake him up at night and have interfered with his grip strength, causing him to drop things.

In an effort to find out what was causing this problem, claimant sought treatment from his personal physician, Dr. Jeffrey Scott, on April 12, 2005. Dr. Scott suspected bilateral carpal tunnel and referred him to the Headache and Pain Center for an EMG and a nerve conduction study. Those tests indicated a mild right median entrapment neuropathy but no evidence of left median nerve involvement at this time.

On April 22, 2005, claimant advised his employer of the test results and an accident form was completed. Respondent referred claimant to Dr. Gary Legler who also ordered a nerve conduction study. Claimant maintains this second study was less invasive and involved a different procedure than that he had previously undergone. The results of this study were normal as to both median motor nerves.

Just after the preliminary hearing and at respondent's request, claimant was seen by Dr. Roger Hood.¹ His report, dated August 3, 2005, indicates that while claimant is not presently a surgical candidate, "[h]e does have a positive Tinel's over each wrist and a positive Phalen's test on each side" more on the right than the left.² He goes on to conclude that "[a]t this point, I think this should be considered causally related to his work".³

¹ Respondent specifically requested that the record remain open so that this examination could be held and the report offered into evidence.

² Hood Report dated August 3, 2005.

³ *Id.*

The ALJ concluded the claimant had met his burden of proving that his bilateral carpal tunnel symptoms were causally connected to his work activities and the Board agrees with this finding. Although respondent steadfastly denies claimant has a repetitive job, pointing to its job description, this argument is not persuasive. First, this job description is less than accurate, even by Christine Miller's own description. And neither Ms. Miller, nor James Humphrey have ever performed claimant's job. And Mr. Humphrey testified that claimant's description of his job was accurate.

Even more importantly, the Board recognizes that what may be repetitive and cause injury to one individual may well be harmless to another. Thus, one cannot generically say that any given job is not repetitive and thus could not cause injury.

WHEREFORE, it is the finding, decision and order of the Board that the Order of Administrative Law Judge Robert H. Foerschler dated July 22, 2005, is affirmed.

IT IS SO ORDERED.

Dated this _____ day of September, 2005.

BOARD MEMBER

c: Timothy V. Pickell, Attorney for Claimant
Robert J. Wonnell, Attorney for Respondent and its Insurance Carrier
Robert H. Foerschler, Administrative Law Judge
Paula S. Greathouse, Workers Compensation Director